UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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NICOLE BROECKER, et al., on behalf of themselves and all other similarly situated employees of the New York City Department of Education,,

Plaintiffs,

- against -

NEW YORK CITY DEPARTMENT OF EDUCATION, MEISHA PORTER, et al.,

Defendants.

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DOE DEFENDANTS'
NOTICE OF MOTION
TO DISMISS THE
AMENDED
COMPLAINT

No. 21 Civ 6387 (KAM)(LB)

PLEASE TAKE NOTICE that upon the accompanying Declaration of Andrea O'Connor in Support of Defendant New York City Department of Education ("DOE") and Meisha Porter (collectively "DOE Defendants") Motion to Dismiss the Amended Complaint, dated April 4, 2022, and DOE Defendants' Memorandum of Law in Support of Their Motion to Dismiss the Amended Complaint, dated April 4, 2022, and all the papers and proceedings previously had herein, the undersigned will move this Court, before the Hon. Kiyo A. Matsumoto, United States District Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza, Brooklyn, New York, 11201, on a date and time to be determined by the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint in its' entirety on the grounds that, as a matter of law, the Complaint fails to adequately state a claim upon which relief can be granted and for further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant scheduling order issued by the Court on March 7, 2022, answering papers, if any, must be served upon the undersigned by on or before May 10, 2022, reply papers, if any, are to be served upon plaintiffs by on or before May 24, 2022 and on May 24, 2022, the parties shall file their respective motion papers via ECF.

Dated:

New York, New York April 4, 2022

HON. SYLVIA O. HINDS-RADIX

Corporation Counsel of the City of New York Attorney for DOE Defendants 100 Church Street, Room 2-100 New York, New York 10007-2601 (212) 356-4015

By:

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Andrea O'Connor Assistant Corporation Counsel aoconnor@law.nyc.gov

TO: All Counsel (via e-mail and ECF)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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HON. SYLVIA O. HINDS-RADIX

Corporation Counsel of the City of New York Attorney for DOE Defendants 100 Church Street, Room 2-100 New York, N.Y. 10007

Of Counsel: Andrea O'Connor Tel: (212) 356-4015

Due and timely service is hereby admitted.	
New York, N.Y.	. , 20
	, Esq.
Attorney for	